



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,421	04/10/2006	Robertus Albertus Brondijk	NL031269US1	3754

24737 7590 03/17/2011
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BUTCHER, BRIAN M

ART UNIT	PAPER NUMBER
----------	--------------

2627

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/17/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vera.kublanov@philips.com
debbie.henn@philips.com
marianne.fox@philips.com

Office Action Summary	Application No. 10/575,421	Applicant(s) BRONDIJK, ROBERTUS ALBERTUS	
	Examiner BRIAN BUTCHER	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 - 6, and 8 - 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 12 is/are rejected.
- 7) ☒ Claim(s) 1, 2, 4 - 6, 8, 10, 11, 13, and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: On lines 3 - 4, the recitation " an user information area " appears to require revision to - - a user information area - -.

Claim 2 is objected to because of the following informalities: On lines 2 - 3, the recitation " the initialization act the information patterns representing control information are written " requires review and revision. The Examiner recommends changing the above recitation to - - the initialization act of writing information patterns representing control information is performed - -.

Claim 4 is objected to because claim 4 depends upon and falls with claim 1.

Claim 5 is objected to because of the following informalities: On line 4, the recitation " an user information area " appears to require revision to - - a user information area - -. Also, on line 23, the recitation " the control is adapted " appears to require revision to - - the controller is adapted - -. In addition, on line 25, the recitation " after the writing patterns " appears to require revision to - - after writing patterns - -. In a similar manner, on lines 26 – 27, the recitation " before the writing information patterns " appears to require revision to - - before writing information patterns - -.

Claim 6 is objected to because of the following informalities: Claim 5 recites a limitation which is already included on line 18 of claim 1. The Examiner recommends canceling claim 6.

Claim 8 is objected to because claim 8 depends upon and falls with claim 5.

Claim 11 is objected to because of the following informalities: On line 2, it is unclear whether the recitation " the control information " refers back to lines 5 - 6 or line 11 of claim 9.

Claim 14 is objected to because of the following informalities: On line 2, it is unclear whether the recitation " the control information " refers back to line 5 or line 12 of claim 12.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Specification does not support the method acts of "reading the user information recorded on the second layer directly after a layer jump from the first information layer to the second information layer; and after the reading act, finalizing the writing of the control information" (see claim 9) or a controller configured to "read the user information recorded on the second layer directly

Art Unit: 2627

after a layer jump from the first information layer to the second information layer; and after reading [the] user information recorded on the second layer, finalize the writing of the control information". Notice that the Specification only supports the method of claim 1 and apparatus of claim 5 at page 3, lines 15 - 23 and page 7, lines 1 - 10. In addition, notice that there is only support for writing control information in a control area of a second information layer to allow reproduction of the second layer. In other words, a method or an apparatus that performs a method in which the user information recorded on the second layer is actually read is not described in the Specification.

Allowable Subject Matter

Claim 1 would be allowable over the prior art of record if the objection to claim 1 set forth above is overcome

Claim 2 would be allowable over the prior art of record if the objections to claims 1 and 2 set forth above are overcome.

Claim 4 would be allowable over the prior art of record if the objection to claim 1 set forth above is overcome. Accordingly, claim 4 falls with claim 1.

Claim 5 would be allowable over the prior art of record if the objections to claim 5 set forth above are overcome.

Claim 6 is not indicated as allowable because of the objection to claim 6 set forth above.

Claim 8 would be allowable over the prior art of record if the objections to claim 5 set forth above are overcome. Accordingly, claim 8 falls with claim 5.

Claim 9 is not indicated as allowable because of the 112 1st paragraph rejection set forth above with respect to claim 9.

Claim 10 is not indicated as allowable because claim 10 is objected to as being dependent upon rejected base claim 9.

Claim 11 is not indicated as allowable because claim 11 is objected to as being dependent upon rejected base claim 9.

Claim 12 is not indicated as allowable because of the 112 1st paragraph rejection set forth above with respect to claim 12.

Claim 13 is not indicated as allowable because claim 13 is objected to as being dependent upon rejected base claim 12.

Claim 14 is not indicated as allowable because claim 14 is objected to as being dependent upon rejected base claim 12.

Response to Arguments

Applicant's arguments filed on 12/14/2010 with respect to pending claims 1, 2, 4 – 6, and 8 have been fully considered and are persuasive. In addition, Applicant's arguments with respect to pending claims 9 – 14 have been fully considered but are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2627

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN BUTCHER whose telephone number is (571)270-5575. The examiner can normally be reached on Monday – Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young, can be reached at (571) 272 - 7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BMB/

Examiner, Art Unit 2627

March 03, 2011

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627